

MEETING OF THE
BOARD OF CANVASSERS IN THE CITY OF NEW YORK
AND THE MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, FEBRUARY 12, 2013
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Frederic M. Umane
 Secretary Gregory C. Soumas

Commissioners Araujo, Barrera, Dent, Guastella, Michel, Shamoun, Sipp

Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
Raphael Savino, Deputy General Counsel/Campaign Finance Enforcement
John Ward, Finance Officer
Troy Johnson, Coordinator, Candidate Records Unit
Matthew Graves, Administrative Associate, Candidate Records Unit
Steven Ferguson, Manager, Management Information Systems
Rachel Knipel, Coordinator, Language Assistance Program
John Luisi, Agency Chief Contract Officer, Procurement
John O'Grady, Chief Voting Machine Technician, VEOU
Ralph Morales, Administrative Assistant, VEOU
Giacomo Kmet, Temporary Contract Attorney, OGC
Anibal Luque, Temporary Contract Attorney, OGC
Kenneth M. Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Kate Doran, LWV
 Cathy Gray
 Monica Bartley, CIDNY
 Kevin Ramnaraine, NYC CFB
 B. Bergin, WNYC
 Rachael Fauss, Citizens Union

Tyler Farrar, Citizens Union
Shauna Denkensohn, NYC CFB
John D. Smith
Diala Quashie, Council Member Gale Brewer
Alan Flacks, Member of NY County Democratic Committee
Michael Benjamin

President Umame called the meeting to order at 1:37 P.M.

Pursuant to the provisions of Title 2 of Article 9 of the New York State Election Law, specifically Section 9-204, President Umame announced that the Commissioners will convene the meeting of the Board of Canvassers in the City of New York to certify the corrected recapitulations of the Statement and Return of Canvass for those districts that cross county boundaries for the November 6, 2013 General Election before the regular stated meeting.

President Umame designated Commissioner Sipp as the second Republican to serve with him for the multi-county recaps.

Secretary Soumas designated Commissioner Araujo as the second Democrat to serve with him for the multi-county recaps.

President Umame provided background information. He stated that at the December 18, 2012 meeting, the Board of Canvassers certified the Statement and Return of Canvass for all votes cast in all the contests in the Counties of Queens, Richmond and the Bronx at the November 6, General Election. Also at that meeting, the Commissioners, in accordance with Section 3-212(5) of the State Election Law authorized a Commissioners' Committee composed of Commissioners Schacher, Dent, Polanco and Soumas to act as the Board of Canvassers. That Committee convened on Friday, December 28, 2012 and certified the Statement and Return of Canvass of all votes cast in all contests in Kings County at the November 6, 2013 General Election. The Board of Canvassers convened on Tuesday, January 15, 2013 and certified the Statement and Return of Canvass of all votes cast in all contests in New York County at the November 6, 2013 General Election. At the January 22, 2013 meeting, the Board of Canvassers convened to certify the amended Statement and Return of Canvass for all votes cast in all contests in Bronx, Queens and Richmond Counties. This was required since those Borough Offices had received additional ballots from other Boards of Elections subsequent to their initial certification on December 18, 2012. With the results from each County within the City of New York having already been certified, there

remains one item of a “housekeeping” nature that needs to be addressed today.

Mr. Richman reported on the recapitulation Statement and Return of Canvass for Offices/Districts consisting of parts of more than one county. The following offices appeared on the ballot in all or part of more than one County within the City of New York on the November 6, 2013 General Election Ballot:

- President/Vice President – All five Counties
- United States Senator – All five Counties
- Representative in Congress for the following districts:
 - 7th Congressional District – Kings, New York & Queens
 - 8th Congressional District – Kings & Queens
 - 10th Congressional District – Kings & New York
 - 11th Congressional District – Richmond & Kings
 - 12th Congressional District – New York, Kings & Queens
 - 13th Congressional District – New York & Bronx
 - 14th Congressional District – Queens & Bronx

- Member of the New York State Senate for the following districts:
 - 23rd Senatorial District – Kings & Richmond
 - 26th Senatorial District – Kings & New York
 - 29th Senatorial District – New York & Bronx
- Member of the Assembly for the 64th Assembly District:
 - Kings & Richmond

President Umame called upon Mr. Johnson to present the Recapitulation Statement and Return of Canvass for the General Election conducted on November 6, 2012 for those Districts which cross county lines within the City of New York. Mr. Johnson confirmed that the Recapitulation Statement and Return of Canvass is accurate and correctly reflects the Statement and Return of Canvass for each contest as certified and amended by this Canvassing Board at our meetings held on December 18 and 28, 2012 and January 15 and 22, 2013.

Commissioner Araujo moved to approve and adopt the Recapitulation Statement and Return of Canvass for the General Election conducted on November 6, 2012 for those Districts which cross county lines within the

City of New York and whose respective counties' Statement and Return of Canvass have been approved or approved as amended at this Board's December 18 and 28, 2012 and January 15 and 22, 2013 meeting. Commissioner Sipp seconded the motion, which was unanimously adopted.

Commissioner Araujo moved to authorize the use of the designated Commissioners signature stamps on each of the Recapitulations. Commissioner Sipp seconded the motion, which was unanimously adopted.

President Umane moved to adjourn the meeting of the Board of Canvassers and to convene the regular stated meeting which was unanimously adopted.

Commissioner Araujo moved to adopt the minutes of the February 5, 2013 meeting. Commissioner Dent seconded the motion, which was unanimously adopted.

Mr. Richman reported that the 31st City Council District, Queens County, February 19, 2013 Special Election litigation is now concluded. Earnest Flowers submitted a second Order to Show Cause seeking reconsideration and was again denied by Judge Rosengarten because he did not comply with the NYS Election Law and the Board acted properly. Mr. Flowers will not be seeking an Appeal.

Mr. Richman introduced Anibal Luque, the newly hired temporary Contract Attorney, who will be providing assistance in the Office of the General Counsel. The Commissioners welcomed Mr. Luque.

Mr. Morales and Mr. O'Grady presented the draft 2013-2014 privately owned poll site lease agreement. Mr. Morales stated that he previously emailed this lease to the Commissioners for any comments. President Umame submitted revisions via email which will be incorporated into this lease. Commissioner Araujo requested to add a space on the lease for an email address of the private site's contact person, and to attach a copy of the poll site's designated room schematics to each lease in order to prevent any confusion. President Umame requested for the final revised poll site lease agreement to be circulated to the Commissioners before it is sent to

the NYC Law Department for final review and approval. Commissioner Araujo moved to authorize Mr. Morales and Mr. O'Grady to submit the amended 2013-2014 private lease agreement which includes the Commissioners' suggestions. Commissioner Dent seconded the motion, which was unanimously adopted.

Ms. Knipel reported that the Asian American Legal Defense and Education Fund (AALDEF) requested for Bengali language designation in Kings County. After each election, AALDEF submits a report of their observations from the 2012 General Election and they included a request that Bengali language assistance be extended to all or part of Brooklyn. Ms. Knipel stated that Brooklyn is not designated by the Director of the U.S. Census Bureau pursuant to Section 203 of the Federal Voting Rights Act. In the past, the Board has fulfilled its obligations under Section 203 and has not extended language assistance to other areas or languages not mandated by the Voting Rights Act. Ms. Knipel requested confirmation of the Board's past and current practice. Commissioner Araujo stated that if the Board extends Bengali language to Brooklyn then they would have to extend it to all boroughs and to other languages as well. Mr. Richman stated that the Board has limited staffing and funding to go beyond what is

required to Section 203 of the Federal Voting Rights Act. There was a general consensus among the Commissioners to follow the Board's past and current practice concerning this matter. Commissioner Dent asked Ms. Knipel to respond to AALDEF's letter as indicated by this discussion.

Mr. Luisi requested approval for the Poll Book Printing Contract. Copies of his report were distributed to the Commissioners. The contract term is January 1, 2013 through December 31, 2018. It was a competitive sealed bid which is the preferred method under the NYC Procurement Policy Board (PPB) Rules and the solicitation was posted in the City Record online and in print. The Board received responses from Vanguard and Xerox. Vanguard submitted a high bid of \$609,818 and Xerox submitted a low bid of \$433,798. Mr. Luisi stated that the Board's current service is with Xerox and they have performed very well under the previous contract. Poll Book printing for smaller elections, such as the upcoming Special Election, is handled in-house at the Board. Mr. Luisi recommended awarding this contract to Xerox. President Umane stated that the Board would use this contract only as needed; the Board is not obligated to use this contract. Commissioner Sipp moved to accept Mr. Luisi's

recommendation. Commissioner Araujo seconded the motion, which was unanimously adopted.

Mr. Luisi reported on emergency procurement for the Board's telephone system for informational purposes. Copies of his report were distributed to the Commissioners. Mr. Luisi recalled that many of the Board's telephone and fax capabilities were destroyed by Hurricane Sandy and many staff members do not have telephones to date. Verizon recently informed Board Staff that they will not be replacing traditional copper wiring in downtown Manhattan. Verizon stated that the Board needs to transition to a Voice over Internet Protocol (VoIP) system. Mr. Luisi stated that the Board was advised to pursue replacing the telephone/fax system without the assistance of the NYC Department of Information Technology and Telecommunications' (DOITT). The NYC Law Department authorized the Board to proceed with an Emergency Storm Purchase which would be reimbursed from the Federal Emergency Management Agency (FEMA) funds. The Board's Finance Department is currently working on this matter with the NYC Office of Management and Budget (OMB). A total of 155 telephone lines and 22 fax lines are needed which would cost approximately \$177,000. Mr. Luisi stated that Board Staff is in the process

of securing the best vendor and will present that information to the Commissioners at a later date. Mr. Luisi stated that this matter would be handled as a negotiation with a responsible vendor because a sealed competitive bid is a very long process. Commissioner Dent inquired about the FEMA reimbursement. Mr. Luisi stated that FEMA might reimburse 75% to 100% of the cost to the Board. FEMA is currently in negotiations with New York State.

President Umane recognized Alan Flacks, a member of the public, who asked the Board to check if the new telephone system is compatible with the older Telephone Operator system. President Umane asked Mr. Ferguson to make sure that the Board's new telephone system will be compatible for all telephone users.

Mr. Ward reported on the Vacancy Report dated February 12, 2013. A copy of the report is in the agenda.

Commissioner Dent requested to discuss a Brooklyn personnel matter in Executive Session.

Commissioner Dent moved to convene Executive Session for purposes of personnel and litigation matters. Commissioner Araujo seconded the motion, which was unanimously adopted.

Following Executive Session, the open public meeting resumed and President Umane reported on the actions taken in Executive Session:

- I. The Commissioners provided 170 hours from the Sick Leave Bank to John Wolf, a Project Coordinator in the Executive Office;
- II. The Commissioners granted an advance of 420 sick leave hours (3 months) to Anna Poole, a Clerk in the Brooklyn Office.

Commissioner Dent moved to adjourn the meeting. President Umane seconded the motion, which was unanimously adopted.

The next stated meeting of the Commissioners is scheduled for Tuesday, February 19, 2013 at 1:30 P.M.